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PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To: DEAN P. ALDERUCCI
WALKER DIGITAL
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STAMFORD, CT 06905

PCT

NOTIFICATION OF TRANSMITTAL OF INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Rule 71.1)

Date of Mailing
(day/month/year)

30 AUG 2001

Applicant's or agent's file reference

98-119WO

IMPORTANT NOTIFICATION

International application No.

PCT/US00/13349

International filing date (day/month/year)

16 MAY 2000

Priority Date (day/month/year)

30 JUNE 1999

Applicant

WALKER DIGITAL, LLC

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices)(Article 39(1))(see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

Name and mailing address of the IPEA/US

Commissioner of Patents and Trademarks
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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 98-119WO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US00/13349	International filing date (day/month/year) 16 MAY 2000	Priority date (day/month/year) 30 JUNE 1999
International Patent Classification (IPC) or national classification and IPC IPC(7): G06F 17/60 and US Cl.: 705/14, 26		
Applicant WALKER DIGITAL, LLC		

<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>6</u> sheets.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority. (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of <u>0</u> sheets.</p> <p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of report with regard to novelty, inventive step or industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input checked="" type="checkbox"/> Certain observations on the international application

Date of submission of the demand 25 JANUARY 2001	Date of completion of this report 20 JULY 2001
Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231	Authorized officer <i>James R. Matthews</i> ERIC STAMBER
Facsimile No. (703) 305-3230	Telephone No. (703) 305-3800

I. Basis of the report**1. With regard to the elements of the international application:***

- ☒ the international application as originally filed
- ☒ the description
pages: 1-31 , as originally filed
pages: NONE , filed with the demand
pages: NONE , filed with the letter of _____
- ☒ the claims:
pages: 32-41 , as originally filed
pages: NONE , as amended (together with any statement) under Article 19
pages: NONE , filed with the demand
pages: NONE , filed with the letter of _____
- ☒ the drawings:
pages: 1-5 , as originally filed
pages: NONE , filed with the demand
pages: NONE , filed with the letter of _____
- ☒ the sequence listing part of the
description: NONE , as originally filed
pages: NONE , filed with the demand
pages: NONE , filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☒ The amendments have resulted in the cancellation of

- ☒ the description, pages: NONE
- ☒ the claims: Nos. NONE
- ☒ the drawings: sheets: fig. NONE

5. ☐ This report has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

**Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US00/13349

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. statement**

Novelty (N)	Claims	<u>NONE</u>	YES
	Claims	<u>1-42</u>	NO
Inventive Step (IS)	Claims	<u>NONE</u>	YES
	Claims	<u>1-42</u>	NO
Industrial Applicability (IA)	Claims	<u>1-42</u>	YES
	Claims	<u>NONE</u>	NO

2. citations and explanations (Rule 70.7)

Claims 1-42 lack an inventive step under PCT Article 33(3) as being obvious over Malaspina in view of Bernard et al.

As per claim 1, Malaspina (FIGs. 1-3 & 5; the ABSTRACT; col. 2, ll. 44-67; col. 3, ll. 1-56; col. 4, ll. 33-45; and col. 6, ll. 15-17) shows elements that suggest: "A method of automatically dispensing a product to a customer, comprising the steps of . . . receiving a product selection from the customer . . . determining whether said product selection qualifies for an alternate product offer . . . presenting an alternate product offer message if said product selection so qualifies . . . determining if the customer has accepted said alternate product offer; and . . . dispensing a first product that corresponds to said alternate product offer if the customer has so accepted, or . . . dispensing a second product that corresponds to said product selection if the customer has not so accepted."

Malaspina does not explicitly show: "dispensing a second product that corresponds to said product selection if the customer has not so accepted. . . ." even though Malaspina suggests same.

Bernard (FIG. 24; FIG. 25; and FIG. 44) shows elements that suggest: "dispensing a second product that corresponds to said product selection if the customer has not so accepted. . . ."

Bernard proposes optional product dispensing modifications that would have applied to the system described by Malaspina. It would have been obvious at the time of the invention to combine the modifications of Bernard with the system of Malaspina because such combination would have provided a means of "browsing . . . to learn more about products which are popular or in great demand but about which the customer may not be aware." (See Bernard col. 4, ll. 32-34).

As per claim 2, Malaspina in view of Bernard shows the method of claim 1. Malaspina lacks explicit mention of "a database is provided. . . ."

Bernard (FIGs. 1, 4, 6, 17, 19, 20A, 22-25; 28; 29; 36; 41; and 44) shows elements that suggest: "determining that said product selection does not qualify for an alternate product offer . . . determining . . . whether said product selection qualifies (Continued on Supplemental Sheet.)"

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

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VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Claim 5 is objected to under PCT Rule 66.2(a)(v) as lacking clarity under PCT Article 6 is indefinite for the following reason(s): the claim is drafted in improper dependent form; it recites in part: "5. A method according to claim 5. . . ."

Claims 35, 39 & 42 are objected to under PCT Rule 66.2(a)(v) as lacking clarity under PCT Article 6 because the claims are indefinite for the following reason(s): said claims use alternative language.

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

Sheet 10

V. 2. REASONED STATEMENTS - CITATIONS AND EXPLANATIONS (Continued):
for an alternate product offer." Bernard proposes database and decision rule modifications.

Claim 3 lacks an inventive step for substantially the same reasons as claim 2.

Claim 4 lacks an inventive step for substantially the same reasons as claim 1.

Claim 5 lacks an inventive step for substantially the same reasons as claim 1.

Claim 6 lacks an inventive step for substantially the same reasons as claim 1.

Claim 7 lacks an inventive step for substantially the same reasons as claim 6.

Claim 8 lacks an inventive step for substantially the same reasons as claim 1.

Claim 9 lacks an inventive step for substantially the same reasons as claim 1.

As per claim 10, Malaspina in view of Bernard shows the method of claim 1. Malaspina (col. 1, ll. 55-60; FIGs. 1-3 & 5; the ABSTRACT; col. 2, ll. 44-67; col. 3, ll. 1-56; col. 4, ll. 33-45; and col. 6, ll. 15-17) shows elements that suggest: "wherein there is a profit margin associated with said product selection, and wherein step (b) includes the steps of . . . choosing an alternate product . . . obtaining a profit margin associated with said alternate product. . . ."

Claim 11 lacks an inventive step for substantially the same reasons as claim 10.

Claim 12 lacks an inventive step for substantially the same reasons as claim 1.

Claim 13 lacks an inventive step for substantially the same reasons as claim 3.

Claim 14 lacks an inventive step for substantially the same reasons as claim 1.

Claim 15 lacks an inventive step for substantially the same reasons as claim 1.

Claim 16 lacks an inventive step for substantially the same reasons as claim 1.

Claim 17 lacks an inventive step for substantially the same reasons as claim 1.

Claim 18 lacks an inventive step for substantially the same reasons as claim 1.

Claim 19 lacks an inventive step for substantially the same reasons as claims 1 & 18.

Claim 20 lacks an inventive step for substantially the same reasons as claims 1 & 18. Claim 20 lacks an inventive step because using coupons was well known in the art.

As per claim 21, Malaspina in view of Bernard shows the method of claim 20. Claim 21 lacks an inventive step because using coupons and coupon codes were well known in the art.

As per claim 22, Malaspina in view of Bernard shows the method of claim 21. Claim 22 lacks an inventive step because using coupons, coupon codes and coupon character sequences were well known in the art.

Claim 23 lacks an inventive step for substantially the same reasons as claims 1 & 18.

As per claim 24, Malaspina in view of Bernard shows the method of claim 18. Claim 24 lacks an inventive step because discount prices were well known in the art.

Claim 25 lacks an inventive step for substantially the same reasons as claim 24.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

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Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

Sheet 11

Claim 26 lacks an inventive step for substantially the same reasons as claim 25.

Claim 27 lacks an inventive step for substantially the same reasons as claim 1.

Claim 28 lacks an inventive step for substantially the same reasons as claim 1.

As per claim 29, Malaspina in view of Bernard shows the method of claim 1.

Malaspina (FIGs. 1-5; the ABSTRACT; col. 1, l. 44-67; col. 3, ll. 1-56; col. 4, ll. 33-45; and col. 6, ll. 15-17) shows elements that suggest: "receiving an amount of money from the customer. . . ."

Claim 30 lacks an inventive step for substantially the same reasons as claim 29.

Claim 31 lacks an inventive step for substantially the same reasons as claims 1, 29 & 30.

Claim 32 lacks an inventive step for substantially the same reasons as claims 1 & 31.

Claim 33 lacks an inventive step for substantially the same reasons as claim 1.

Claim 34 lacks an inventive step for substantially the same reasons as claim 1.

Claim 35 lacks an inventive step for substantially the same reasons as claim 34; furthermore, the devices selected in claim 35 were well known in the art at the time of the invention.

Claim 36 lacks an inventive step for substantially the same reasons as claim 1.

Claim 37 lacks an inventive step for substantially the same reasons as claim 2.

Claim 38 lacks an inventive step for substantially the same reasons as claim 36.

Claim 39 lacks an inventive step for substantially the same reasons as claim 38; furthermore, the devices selected in claim 39 were well known in the art at the time of the invention.

Claim 40 lacks an inventive step for substantially the same reasons as claim 1.

Claim 41 lacks an inventive step for substantially the same reasons as claim 40; furthermore, the devices selected in claim 41 were well known in the art at the time of the invention.

Claim 42 lacks an inventive step for substantially the same reasons as claim 41.

Claims 1-42 lack novelty under PCT Article 33(2) for substantially the same reasons that said claims lack an inventive step as presented above.

Claims 1-42 meet industrial applicability as defined by PCT Article 33(4) because said claims have application in the automated vending of primary products and alternate products.

----- NEW CITATIONS -----

US 5,544,784 A (MALASPINA) 08 AUGUST 1996, see FIGs. 1-5, the ABSTRACT, col. 1, ll. 55-60; col. 2, ll. 44-67, col. 3, ll. 1-56, col. 4, ll. 33-45, and col. 6, ll. 15-17.

US 5,918,213 A (BERNARD et al.) 29 JUNE 1999, see FIGs. 1, 4, 6, 17, 19, 20A, 22-25, 28, 29, 36, 41 & 44, col. 4, ll. 32-34.

File No:

48-119

Attorney:

DPA

Due Date:

10/30/01

Docketed:

09/05/01

INTERNATIONAL SEARCH REPORT

Int. Application No
PCT/US 00/13349

A. CLASSIFICATION OF SUBJECT MATTER
IPC 7 G07F9/02 G06F17/60

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
IPC 7 G06F G07F G07G

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)
WPI Data, PAJ, EPO-Internal, INSPEC

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
P,X	WO 99 38125 A (WALKER ASSET MANAGEMENT LIMITED PARTNERSHIP) 29 July 1999 (1999-07-29) cited in the application page 3, line 32 -page 4, line 25	40-42
Y	WO 97 08638 A (FRASER) 6 March 1997 (1997-03-06) page 4, line 3 - line 19 page 6, line 10 - line 18 page 8, line 7 -page 9, line 21	1,2,10, 33-42
Y	US 4 551 935 A (BACHMANN G MERLE ET AL) 12 November 1985 (1985-11-12) cited in the application column 1, line 25 - line 30	1,2,10, 33-42
	-/-	

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

* Special categories of cited documents :

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- *&* document member of the same patent family

Date of the actual completion of the international search

1 September 2000

Date of mailing of the international search report

11/09/2000

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INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 00/13349

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	<p>EP 0 862 150 A (INTERNATIONAL BUSINESS MACHINES CORPORATION) 2 September 1998 (1998-09-02)</p> <p>column 2, line 2 - line 19 column 3, line 41 - line 49</p>	<p>1,6-9, 12-16, 18, 23-26, 36,40</p>
A	<p>Y. KOHDA, S. ENDO: "Ubiquitous advertising on the WWW: Merging advertisement on the browser" COMPUTER NETWORKS AND ISDN SYSTEMS, NL, NORTH HOLLAND PUBLISHING, AMSTERDAM, vol. 28, no. 11, 1 May 1996 (1996-05-01), pages 1493-1499, XP004018245 page 1495, paragraph 2.4</p>	<p>1-42</p>
A	<p>WO 99 12117 A (CATALINA MARKETING INT) 11 March 1999 (1999-03-11) page 2, line 18 -page 4, line 6</p>	<p>1-42</p>
A	<p>EP 0 856 812 A (SYMBOL TECHNOLOGIES INC) 5 August 1998 (1998-08-05) column 15, line 6 - line 22; figure 7C</p>	<p>1,36,40, 41</p>

INTERNATIONAL SEARCH REPORT

information on patent family members

International Application No

PCT/US 00/13349

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